

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY JAMES HOLMES,

Plaintiff

v.

OCCUPATIONAL MANAGER
LAVERNE WAGNER, *et al.*,

Defendants.

No. 2:22-CV-00490

(Chief Judge Brann)¹

(Magistrate Judge Carlson)

ORDER

JULY 31, 2023

Henry James Holmes filed this complaint alleging that numerous individuals violated his rights by denying him housing.² On April 24, 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant the pending motion to dismiss and dismiss Holmes' complaint without prejudice.³ No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁴ Regardless of whether objections

¹ An Article III Judge in the United States District Court for the Middle District of Pennsylvania sitting in the Western District of Pennsylvania by designation of Chief Judge Michael A. Chagares of the United States Court of Appeals for the Third Circuit. Doc. 50.

² Doc. 4.

³ Doc. 53.

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁵ Upon review of the record, the Court finds no error in Magistrate Judge Carlson’s conclusion that Holmes’ complaint fails to state a claim for relief. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 53) is **ADOPTED**;
2. Defendants’ motion to dismiss (Doc. 15) is **GRANTED**;
3. Holmes’ complaint is **DISMISSED** without prejudice;
4. Holmes may file an amended complaint on or before Monday, August 14, 2023 that addresses the deficiencies outlined in Magistrate Judge Carlson’s Report and Recommendation. The failure to file a timely amended complaint will result in this case being closed.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge,
Specially Presiding

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.